Secret 1969 War Study Shaped 1972 Strategy

By John Maclean

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WASHINGTON — It was a confusing week. The war in Viet Nam was being carried on in the air, on the ground, at the negotiating table, and probably in secret talks. And each of these situations continued to change almost daily.

Injected into all of this has been the disclosure of a secret National Security Council memorandum prepared when President Nixon took office in 1969 to apprise him of the situation in Viet Nam.

Henry Kissinger, Nixon's chief adviser on national security, setn 28 questions on the war to the State and Defense Departments, the Central Intelligence Agency [CIA], and the United States embassy in Saigon.

What Does It Mean?

What does this study mean to us today, three years later? THE CHICAGO TRIBUNE obtained a copy of the report, as did several other news organizations.

The study concluded that Hanoi's leadership was independent of Moscow and Peking, altho the tendency had been toward the Soviet direction. Moscow, for its part, favored an early negotiated settlement, with the best possible terms for Hanoi.

The intervening years appear to have changed this assessment little, and events of the past few days appear to underscore its correctness.

Kissinger made a secret hop to Moscow, not Paris or Peking, when the going got really tough as a result of the recent Communist offensive. Altho part of his reason for going was to see that there were no hitches in Nixon's visit to Moscow in May, a Soviet diplomat boarded a plane for Hanoi within hours of his visit.

Two days later the White House announced that the suspended Paris peace talks were being reactivated.

Effect of Air War

The 1969 report, known as National Security Study Memorandum No. 1 [NSSM 1], provides a searching backward look at the effectiveness of massive American bombing of North Viet Nam and Laos.

The reporting agencies agreed the bombing punished the North Vietnamese. Lives were lost, materiel destroyed, and supply routes battered.

But the agencies agreed also that the bombing had failed to break the enemy's spirit, kill more troops than could be replaced, or cut off supplies. Russia and the People's Republic of China could move in more supplies than the B-52s could knock out.

"During four years of intensive combat in South Viet Nam and unprecedented bombing of North Viet Nam and Laos," a Defense Department analyst wrote in frustration, "the enemy has more than doubled his combat forces, successfully sustained high casualty rates, doubled the level of infiltration; and increased the scale and intensity of the main-force war."

The report shows that President Nixon was being advised almost from his first day in office that Communist sanctuaries in Laos and Cambodia were an essential reason for the enemy's ability to control the rate at which Americans were killed.

On the controversial subject of a residual force of American military men in South Viet Nam, the report disclosed that the Defense Department recommended that 19,000 military advisers would be a "continuing requirement" of the war.

However, in his appearance on television and radio last week, Nixon said, "We can now see the day when no more Americans will be involved there [Viet Nam] at all." In his only other public response to the residual force question, Nixon on Jan. 2 in a televised interview said all American forces would not be withdrawn "as long as the enemy holds one American prisoner of war."

The report also covered the political situation in South Viet Nam, the negotiations as they were then in Paris, and many technical matters of the U. S. presence and programs in South Viet Nam. The study is more than 500 pages.

Two Schools of Thought

A summary written by the White House identified two schools of interpretations within the government. The summary said there were "some divergencies on the facts, [but] the sharpest differences arise in the interpretation of those facts, the relative weight to be given them, and the implications to be drawn."

One school was the military and the U. S. embassy in Saigon. They took a more hopeful view of current and future prospects in Viet Nam, the summary said.

The other included the more policy-minded agencies, namely the CIA, the office of Secretary of Defense, and to a lesser extent [the summary's qualification] the State Department.

The study probably reached Nixon's desk in February, 1969. Here, in part, is what it said:

Question: Is it clear that either Moscow or Peking believe they have, or are willing to use, significant leverage on Hanoi's policies?

State: Peking has been against a negotiated settlement of the Viet Nam war from the outset. We believe that Peking has brought pressures to bear upon Hanoi . . . but that the pressures have fallen short of major threats.

The Soviets have experienced the full degree of Hanoi's ideological rigidity and distrust of the West, and on occasion they have privately deplored excessive North Vietnamese stubbornness. With the beginning of the Paris talks, the Soviets began a new and decidedly more assertive phase of their diplomacy. At several points [they] intervened constructively.

Saigon embassy: We in Saigon have no evidence that Hanoi is under active and heavy pressure with respect to the Paris negotiations from either the U. S. S. R. or Communist China. In fact, we believe that the North Vietnamese make their own decisions on the negotiations. . . . The need for economic reconstruction and development of the North should also tend to heighten the Soviet

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STORY OF THE WEEK: THE WORLD

No Two Vietnam Reports Agree

THE BACKGROUND: President Nixon told the nation that Vietnamization had "proved itself sufficiently" for the continued withdrawal of American troops. However, North Vietnamese forces continued to score decisive gains, particularly in the Central Highlands and to the north near Quang Tri. Air strikes, Nixon announced, would continue as the U.S. returned to the Paris peace talks. But in view of the North Vietnamese military successes, Washington's bargaining position seemed to have worsened.

By Ernest Volkman
Newsday National Editor

Washington—In 1962, faced with an increasingly critical Southeast Asia problem, President Kennedy called in two of the government's best known Asia experts, who had just returned from a fact-finding tour of Vietnam. Exactly what, Kennedy wanted to know, was going on out there?

The first expert spoke optimistically of progress by the Diem regime: The Communist guerrilla army was being subdued. The people's standard of living was improving. And the countryside was coming under government control.

The second expert said the country was falling apart, the people detested the repressive government regime, the guerrillas were rampaging throughout the countryside, and the situation was nearly hopeless.

Kennedy looked at the men, then said, "Are we certain both of you visited the same country?"

Ten years have passed since that revealing exchange, but as current events demonstrate, the picture that officialdom is getting from Vietnam today is still murky. In point of fact, as senior officials admit privately, the U.S. has virtually no idea of what is really happening in Vietnam.

Like Kennedy, President Nixon faces the task of knowing what is happening on the battlegrounds of America's most critical foreign policy issue.

Those are vital decisions that require hard information, but, as if to underscore just how cloudy things are, a secret 1969 review of U.S. military policy in Vietnam by Henry Kissinger was somehow leaked last week to several newspapers. Designed to determine the effectiveness of all American military measures, the study amounted to this: The Central Intelligence Agency, the Pentagon, and the State Department often had very different views on the U.S. role and its effectiveness in Indochina. In one ominous example, the CIA and the Defense Department could not even agree on the number of combat troops in the North Vietnamese Army. Specifically the difference between the two estimates was 90,000 men, almost nine full combat divisions. To this day, the two agencies still don't agree.

Even if North Vietnamese capabilities and intentions are difficult to assess, it seems reasonable that information on the Communist offensive, a public act, might be readily available. But such is not the case. The key question during the offensive is: How well are the South Vietnamese doing? Last week, the Defense Department said the South Vietnamese armed forces were doing fine, and the North Vietnamese would be defeated with heavy losses. At the same time, an American adviser with a 10,000-man South Vietnamese relief column, on its way to break the siege at An Loc, was fuming publicly that the South Vietnamese general in charge of the operation had simply decided not to go any farther because he would suffer too many losses in trying to get through the Communist encirclement. Another adviser noted pointedly that if the South Vietnamese were doing so well, he was at a loss to explain why they were not taking any counter offensive action.

Partially, Nixon's nationwide speech last week on Vietnam, his first major public utterance on the situation, reflected the confusion in Washington over what was going on. He talked about the South Vietnamese fighting "courageously and well."

His statement that there would be a continued step-up of U.S. naval and air strikes, raised the question of the need for escalation if the South Vietnamese were fighting so well. The speech also cited the estimate of Gen. Creighton Abrams, the U.S. commander in Vietnam, that "some battles will be lost and others will be won. . ." In a pre-speech briefing for newsmen, Kissinger said that the phrase meant that the Communists would not capture a "significant" number of South Vietnamese provincial cities, although he did not explain what he meant by "significant."

On the battlefield, meanwhile, the situation was somewhat unclear, but the one incontrovertible fact was that the North Vietnamese were undaunted by any attempt to stop them and were striking at will. The most significant move was to open a new phase of the offensive in the Central Highlands, smashing the South Vietnamese regimental headquarters at Tan Canh, capturing firebases that threaten the infiltration routes from Cambodia, and drawing a tight noose around the provincial capital of Kontum. Other Communist forces routed the South Vietnamese defending the east coast of the region, and the Communists now are close to cutting the nation in two. That would be a monumental disaster for the South Vietnamese army.

The action in the Central Highlands overshadowed equally ominous moves from the north. There, despite major U.S. air strikes, the North Vietnamese moved the last of the 13 combat divisions across the DMZ, smashing Dong Ha, a key defense plant, and attacked the provincial capitol of Quang Tri from six different directions. In the south, the Communists spaced forces around embattered An Loc and threaten Saigon from at least three different points. And, despite heavy U.S. air raids in North Vietnam, the Communists apparently have plenty of supplies and ammunition.

Above all, the fact was that nobody really knew what was happening, which means nobody really can guess what will happen. As one senior U.S. adviser in the Central Highlands put it last week: "Tomorrow? I don't even know about today. I don't even know what is happening one mile from here."

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Privilege:

A Test of Senatorial Immunity

James Wilson of Pennsylvania, one of the framers of the Constitution, wrote in 1790: "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success,...he should enjoy the fullest liberty of speech [on the floor of Congress], and...he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offense."

Senator Mike Gravel of Alaska greatly offended the executive department last summer when he released significant portions of the "Pentagon Papers" to the public during an impromptu meeting of his Senate Subcommittee on Building and Grounds.

And last week, he committed a similar "offense," releasing another secret study of the Vietnam war written early in the Nixon Administration. Based on a series of questions posed to various departments and Government agencies by the President's national security adviser, Henry A. Kissinger, the study revealed deep splits within the Government on war policy in 1969. Among other points, the Joint Chiefs of Staff urged strongly the immediate and determined resumption of bombing while other agencies, including the Central Intelligence Agency, warned that the record of strategic and tactical bombing over the years showed that an air strategy had failed to achieve any conclusive results. When Senator Gravel attempted to gain the needed unanimous consent to place 50 pages of the secret report in the Congressional Record, he was defeated.

Leading members of the Senate have charged that Senator Gravel acted improperly and perhaps even illegally. Republican Senator William B. Saxbe of Ohio called his release of the Pentagon Papers "outrageous" and "reprehensive." But that has not stopped Senator Saxbe and Senator Sam J. Ervin Jr. of North Carolina (representing respectively the Republican Policy Committee and the Democratic caucus) from appearing in his behalf before the Supreme Court in an important and unprecedented case growing out of the disclosure.

The case which was argued before the Supreme Court on [illegible] involved Dr. Leonard S. Rodberg, a legislative aide of Senator Gravel. Mr. Rodberg was hired by Senator Gravel as an unpaid consultant at the time the Pentagon Papers were made public. (Supreme Court Justice Harry A. Blackmun later questioned the validity of his employment, but Mr. Rodberg has continued to work for Senator Gravel and other courts assumed he was a legitimate staff member.) Mr. Rodberg negotiated with Beacon Press, a Boston concern, for publication of the documents in book form. When a Federal grand jury began investigating the release of the papers to the public, it subpoenaed Mr. Rodberg to ask him questions about the securing and disseminating of the papers. But Senator Gravel intervened in the proceedings to block the subpoena, claiming that any questioning of his aide would be an unconstitutional infringement of his own Senatorial immunity. A Federal Court of Appeals issued a qualified protective order blocking any questions into Senator Gravel's motives or actions in securing the documents and making them public. But the court would allow questions about Mr. Rodberg's arranging for the private publication of the papers after that initial disclosure.

Neither the Government nor Senator Gravel was satisfied with the order and both appealed to the Supreme Court. In an unusual move the Senate took two separate actions with regard to the litigation. First, it appointed a bipartisan committee to file a brief with the Supreme Court which would present the Senate's own interpretation of the scope of the Congressional prerogatives. Second, it agreed to pay the relatively low printing costs of Senator Gravel's brief, after voting down a proposal to pay the more expensive counsel fees. The Supreme Court gave permission to Senators Saxbe and Ervin to present oral arguments in the case.

At issue is a clause of the Constitution (Article I, Section 6) which provides that "for any Speech or Debate, in either House, [Congressmen or Senators] shall not be questioned in any other Place." The clause has its origins in the 17th century conflict between Charles I of England and Parliament when the Stuart King arrested and imprisoned legislators for their remarks in Parliament opposing his policies.

The "Speech or Debate" clause had previously been interpreted to bar any investigation into a legislator's motives when he spoke on the floor of Congress, even if he were accused of taking a bribe to make such a speech. In the Gravel case, Senators Saxbe and Ervin asked the Supreme Court to expand the protections of the clause.

They insisted that it should cover not only Senators and Representatives but also legislative aides as well. Their brief to the Court argued: "A Member [of Congress], cannot conduct all of his business himself; he must and does conduct it largely through his aides. If the Speech and Debate Provision is to be meaningful, it must apply to aides acting for their employer-Member in any situation where it would apply to the Member acting for himself."

Furthermore, they claimed that the dissemination of information on matters of Congressional concern was an important legislative function. Mr. Rodberg, officials of Beacon Press and any other witnesses they insisted, should not be questioned by a grand jury on efforts by the Senator or his assistants to publish the material even after it was made public.

No Supreme Court precedents are directly in point on the last issue, but lower Federal courts have held that there can be no interference with publication of any information obtained by members of Congress in the exercise of their legislative functions. Most of these cases arose out of efforts to block reports, issued by the Senate and House Internal Securities Committees, labeling individuals or groups as subversive. In the light of positions taken by these committees, there would be some elements of irony should such decisions serve as the focus for protecting Senator Gravel and his aide from grand jury questioning.

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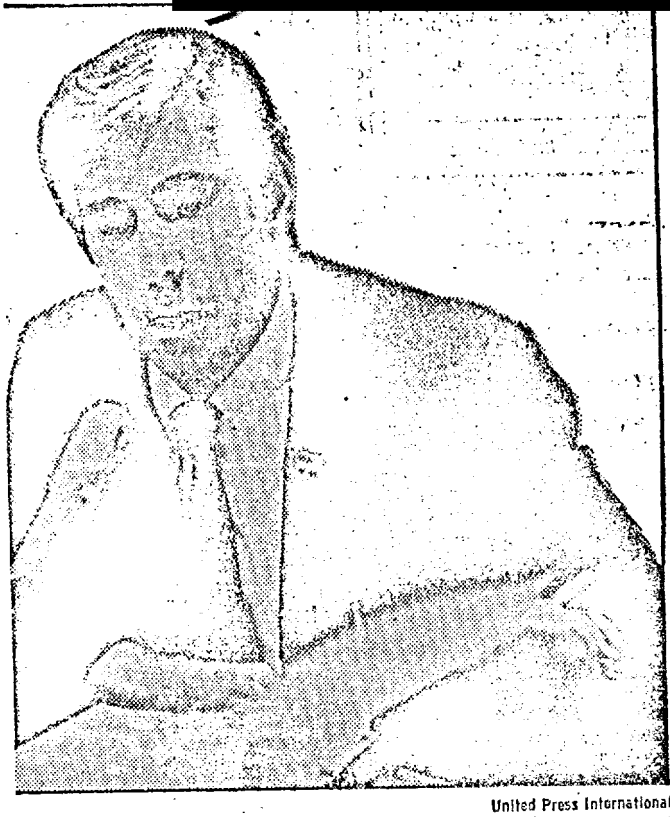

United Press International

Some Senators thought Senator Mike Gravel's release of the Pentagon Papers and, last week, of another secret Government war study "outrageous" and "reprehensible." Yet the Senate is supporting his claim before the Supreme Court that constitutional immunity protects him and his aides from answering any questions about the source of the documents.